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Paper No. 5

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OFFICE OF PETITIONS

In re Application of
Anthony, et al.
Application No.: 09/847,444
Filed: May 1, 2001
Attorney Docket No. DC-02827-A

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: DECISION GRANTING
: PETITION
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This is a decision on the petition entitled "REQUEST FOR CORRECTED FILING RECEIPT," filed September 24, 2001 (certificate of mailing date September 19, 2001), requesting that the above-identified application be accorded a filing date of May 1, 2001, instead of the presently accorded date of May 2, 2001.

Petitioners allege that the application was deposited in "Express Mail" service with the U. S. Postal Service, on May 1, 2001. In support, petitioners provided a copy of the Express Mail label, receipt no. EL803199018US, showing a Date-In of May 1, 2001. The same Express Mail receipt number was referred to in the copy of the original Application Transmittal Letter submitted with instant petition. Petitioners request that the application be accorded a filing date of May 1, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 1, 2001.

In view of the above, the petition is granted.

As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **May 1, 2001** and the mailing of a corrected filing receipt showing the filing date as May 1, 2001.

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy